

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ERNESTO BODON, KEVIN CURRY
& DONNA ANNUNZIATO,

Plaintiffs,

- against -

ORDER

09-cv-2941

DOMINO’S PIZZA, INC.,

Defendants.

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TOWNES, United States District Judge,

In this New York Labor Law class action, plaintiffs Kevin Curry and Donna Annuziato (collectively, “plaintiffs”) reached an agreement with defendant Domino’s Pizza LLC (“Domino’s”). This Court referred plaintiff’s unopposed motion seeking final approval of the settlement agreement and related relief to Magistrate Judge Roanne L. Mann. Now before the Court is Judge Mann’s January 16, 2015 thorough and well-reasoned Report and Recommendation, which finds that the proposed settlement in this matter is procedurally and substantively fair and recommends: (1) that this Court grant final approval of the settlement and direct distribution of settlement proceeds in accordance with the settlement agreement, (2) enter the parties’ Proposed Final Judgment and Order, with certain modifications [Dkt. No. 207-1], and (3) dismiss plaintiffs’ claims with prejudice, except retaining jurisdiction over the pending fee dispute.

Within fourteen days of service of a magistrate judge’s Report and Recommendation, any party may file written objections. *See* 28 U.S.C. § 636(b)(1). Where, as here, there have been no objections, the Court is not required to review the factual or legal conclusions of a magistrate judge. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely

objections may waive the right to appeal the district court's order. *See* 28 U.S.C. § 636(b)(1); *Small v. Sec'y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989).

CONCLUSION

Judge Mann's January 16, 2015 Report and Recommendation is affirmed and adopted. Plaintiffs' unopposed motion for final approval of the terms of the settlement agreement and related relief is granted and the Court directs distribution of settlement proceeds in accordance with the settlement agreement. The parties' Proposed Final Judgment and Order, as modified by Judge Mann, is entered and plaintiffs' claims are dismissed with prejudice. The Court retains jurisdiction over the pending fee dispute, which is respectfully referred to Judge Mann.

SO ORDERED

/s/ Sandra L. Townes

SANDRA L. TOWNES

United States District Judge

Dated: Brooklyn, New York
February 5, 2015